



Chambers of
J. Mark Coulson
U.S. Magistrate Judge

**UNITED STATES DISTRICT COURT
DISTRICT OF MARYLAND**

101 West Lombard Street
Baltimore, Maryland 21201
MDD_JMCChambers@mdd.uscourts.gov
Phone: (410) 962-4953
Fax: (410) 962-2985

June 3, 2019

LETTER TO COUNSEL

ORDER SCHEDULING SETTLEMENT CONFERENCE

RE: Becker et al v. Warren et al
Case No: 1:18-cv-00931-ELH

Dear Counsel:

The above referenced case has been referred to me to conduct a settlement conference. Please be advised I am scheduling the settlement conference for **Monday, August 26, 2019 at 09:30 a.m.**, and it will be held in my Chambers (8D). Please review this letter carefully, as it is an Order of the Court that establishes certain prerequisites that must be fulfilled prior to the commencement of the settlement conference.

It is essential that the parties, or in the case of a corporation, partnership, or government entity, a representative, with complete authority to enter into a binding settlement, be present in person. A person with "complete authority" is someone who has the experience and judgment to exercise that authority without having to consult with anyone who is not in attendance at the settlement conference. **Please provide the name and title of the individuals who will be attending the settlement conference.** Please note that non-parties (other than counsel) should not attend the conference absent prior approval from opposing counsel and the Court. Additionally, because of limited space, the Court cannot accommodate minor children who are not parties to the case. Attendance by the attorney for a party is not sufficient. Please also be advised that the conference should conclude by **03:30 p.m.**, and all those in attendance should plan accordingly.

I would like to receive a short *ex parte* letter by email (mdd_jmcchambers@mdd.uscourts.gov) by **August 12, 2019**. The *ex parte* letter should NOT EXCEED FIVE PAGES, from each party and should candidly set forth the following:

1:18-cv-00931-ELH

June 3, 2019

Page 2

- (1) facts you believe you can prove at trial;
- (2) the major weaknesses in each side's case, both factual and legal;
- (3) reference to any pending dispositive or other motions that would have a significant effect on settlement for the Court to review prior to settlement (please include a copy of the motion(s) and the docket number(s) and highlight and tab the relevant portions);
- (4) an evaluation of the maximum and minimum damage awards you believe likely, and the amount of any existing liens;
- (5) the history of any settlement negotiations to date;
- (6) estimate of attorneys' fees and costs of litigation through trial; and
- (7) the name and title of the individual(s) who will be attending the conference.

The letters may be submitted *ex parte* and will be solely for my use in preparing for the settlement conference. I also will review select pleadings in the court file. Additionally, if you want me to review any case authorities that you believe are critical to your evaluation of the case, please identify. If you want me to review any exhibits or deposition excerpts, please attach a copy to your letter by email. A paper copy of all attachments exceeding 25 pages should be mailed or hand delivered to chambers.

Since settlement conferences are often more productive if the parties have previously exchanged demands and offers and have made a good faith effort to settle the case on their own, I require that the plaintiff submit a written itemization of damages and a settlement demand to the defendant no later than one month prior to the settlement conference. The defendant shall submit a written offer to the plaintiff and any alternate itemization of damages within one week of receiving the demand or no later than three weeks prior to the settlement conference, whichever is later. Thereafter, the parties should continue to engage in negotiations. The correspondence between the parties shall be included with the *ex parte* letters submitted to the Court.

**FAILURE TO COMPLY WITHOUT JUSTIFICATION MAY RESULT IN THE
IMPOSITION OF SANCTIONS**

If counsel believes that a telephone conference prior to **August 26, 2019** would make the settlement conference more productive, please contact my judicial assistant, Debbie Wengert-Rippetoe (Deborah.Wengert-Rippetoe@mdd.uscourts.gov), to make arrangements.

1:18-cv-00931-ELH

June 3, 2019

Page 3

The settlement conference process will be confidential and disclosure of confidential dispute resolution communications is prohibited. See 28 U.S.C. § 652(d); Local Rule 607.4.

Notwithstanding the informal nature of this letter, it is an Order of the Court and the Clerk is directed to docket it as such.

I look forward to seeing you on **August 26, 2019**.

Sincerely yours,

/s/

J. Mark Coulson
United States Magistrate Judge

cc: Judge Ellen L. Hollander
Court File